

REMARKS

The Final Office Action dated June 22, 2011 has been carefully reviewed, and these remarks are responsive thereto. Claims 1-3, 6-10, and 13-25 are currently pending and stand rejected. No amendments are made by this paper. Applicant respectfully requests reconsideration of the current rejections in light of the following remarks.

Discussion of Claims Rejected under 35 U.S.C. § 103(a)

Claims 1-3, 6, 9-10, and 13-25 are rejected as obvious under 35 U.S.C. § 103(a) over Hierarchical Mobile IPv6 mobility management (HMIPv6) (“Soliman”) in view of U.S Patent No. 6,915,325 (“Lee”), and Claims 7 and 8 are rejected as obvious under 35 U.S.C. § 103(a) Soliman in view of Lee and further in view of U.S. Publication No. 2002/0015396 (“Jung”).

With respect to the Claim 1, the Examiner states that Soliman discloses the feature of allocating a secondary care-of address to the network entity, and discloses the feature of sending a packet, addressed to the correspondent node, from the network entity, wherein the packet has the secondary care-of address as a source address. The Examiner concedes that Soliman fails to disclose the remaining features in the claim including the recited tunnelling. To cure this deficiency, the Examiner relies on Lee, stating that it discloses the missing features at column 6, line 66 through column 7, line 7, and specifically notes that the correspondent host (50) and the correspondent agent (60) together are a correspondent node. According to the Examiner, it would have been obvious to modify Soliman to include tunnelling as disclosed by Lee, in order to provide efficiently permitting communication with a mobile node through tunnels across various domains in the mobile IP network. Office Action at 4. Similar rejections were made as to independent Claims 10 and 14.

Applicant respectfully submits that the Examiner has failed to establish obviousness with respect to Claims 1, 10, and 14, and requests that the rejections be withdrawn.

Law of Obviousness

To establish a *prima facie* case of obviousness, the Examiner must establish that the prior art reference (or references when combined) render all of the claim limitations obvious: “All words in a claim must be considered in judging the patentability of that claim against the prior art.” (*In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (CCPA 1970); *see also* M.P.E.P.

§ 2143.03.) Further, the Examiner must clearly articulate reasons why the claimed invention would have been obvious, with some rational underpinning to support the legal conclusion of obviousness, and taking into consideration how a person of ordinary skill would have understood the prior art teachings. (M.P.E.P. § 2141). The art must be such that the skilled artisan would have a reasonable expectation of success at practicing the claimed invention. (M.P.E.P. § 2143.02). The combination of Soliman and Lee does not support a *prima facie* case of obviousness as Soliman and Lee fail to disclose all of the features of the present claims and as a person of skill in the art would not have a reasonable expectation of success in the combination of Soliman and Lee.

The Proposed Combination Fails to Teach all of the Features of Claim 1

Independent Claim 1 recites, among other things, “tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address.” Applicant respectfully submits even if the proposed combination were proper, neither Soliman nor Lee discloses at least these features.

Soliman describes hierarchical mobility management to reduce the amount of signaling between a mobile node, its home agent, and a correspondent node. *See* Soliman, Abstract. Specifically, Soliman focuses on eliminating delays and disruptions caused when a mobile node transitions between access routers. *See* Soliman, Introduction. This decrease in delay and disruption is accomplished by minimizing the transmission of binding updates from the mobile node to the home agent and/or the correspondent node. *See* Soliman, Introduction. Soliman teaches that use of a mobility anchor point (MAP), which acts as a local home agent, decreases the number of binding updates sent to a home agent and/or to a correspondence node, as the mobile node only sends binding updates to the MAP, and thereby minimizes unnecessary and time consuming communications. *See* Soliman, Introduction. In line with this express purpose of minimizing the number of binding updates communicated from a mobile node to a home agent and/or a correspondence node, Soliman teaches maintaining a semi-constant CoA (RCoA) at the MAP and tunnelling communication collected by the MAP to the mobile node. *See* Soliman, MAP Operation. Thus, Soliman teaches tunnelling from the MAP. A MAP is not the same as a

“correspondent node” as recited in Claim 1. Accordingly, Soliman does not teach “tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address” as recited in independent Claim 1.

Lee similarly fails to teach this feature. Lee teaches sending binding updates addressed to a correspondent host (50). *See Lee, Col. 4, Lines 8-11.* These updates do not reach the correspondent host (50), but are intercepted by a correspondent agent (60). *See Lee, Col. 4, Lines 8-11.* Lee does not, however, teach sending the binding update addressed to the correspondent agent (60). The correspondent agent (60) can, in response to the binding update, create a tunnel between itself and a foreign agent to send a data package to the foreign agent. *See Lee, Figure 3, and Col. 6, Line 67 to Col. 7, Line 7.* The data package sent through the tunnel includes the address of the correspondent agent (60), and not the address of the correspondent host (50). *See, e.g. Lee, Col. 7, Lines 1-7 (the “IP source address of the outer header is set to the correspondent agent”).* Accordingly, the source address of the header on the tunneled data is different from the address to which the binding update is sent. Claim 1, in contrast, requires “sending a packet, addressed to the correspondent node” and “tunnelling ... one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address.” As the correspondent agent (60) is not the addressee of the binding update, correspondent agent (60) is not a binding node. Further, because Lee teaches tunnelling from the correspondent agent (60), whose address is different than addressee of the binding update, Lee does not teach “tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address” as recited in independent Claim 1.

As neither Soliman nor Lee disclose “tunnelling, in a session between the correspondent node and the mobile node, one or more session packets from the correspondent node to the network entity, wherein the session packets have the correspondent node address as the source address and the care-of address as the destination address” as recited in Claim 1, the combination

of Soliman and Lee fails to establish *prima facie* obviousness. Accordingly, the patentability of Claim 1 is not defeated by the combination of Soliman and Lee, and Applicant, therefore, respectfully requests that the Examiner withdraw the rejections to Claim 1. In addition, Applicant does not necessarily agree with the characterization and assessments of the art with respect to the dependent claims, and respectfully submits that the dependent claims are in condition for allowance at least because of the features they include from the independent claims from which they depend and because of their own features.

For similar reasons to those discussed above, the combination of Soliman and Lee fails to support *prima facie* obviousness with respect to independent Claims 10 and 14. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejections to these claims. In addition, Applicant does not necessarily agree with the characterization and assessments of the art with respect to the dependent claims, and respectfully submits that the dependent claims are in condition for allowance at least because of the features they include from the independent claims from which they depend and because of their own features.

A Person of Skill in the Art Would have no Reasonable Expectation of Success

Additionally, even if the combination of Soliman and Lee did support the establishment of *prima facie* obviousness, such a combination would be improper as a person of skill in the art would have had no expectation of success in combining the features of Soliman with the features of Lee. As stated in its title, Soliman is directed at IPv6. Lee, based on the incorporation by reference of Network Working Group RFC 2113, is directed at IPv4. However, IPv4 and IPv6 are distinctly different from each other. This difference includes details like the incompatibility of address formats (i.e. IPv4 uses 32 bit addresses and IPv6 uses 128 bit addresses), as well as other differences. Due to these differences between the versions, problems in IPv6 must be addressed differently than the way in which they are addressed in IPv4. In fact, in many instances, solutions to problems encountered in IPv4 cannot be used to solve the same problems in IPv6. Due to this inconsistency between IPv4 and IPv6, a person of skill in the art would not have a reasonable expectation of success in combining features designed for IPv4 with features designed for IPv6. As a person of skill in the art would not have a reasonable expectation of success, the combination of Soliman and Lee is improper, and this combination cannot support an obviousness rejection of Claims 1, 10, and 14.

Application No.: 10/588741
Filing Date: October 30, 2007

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

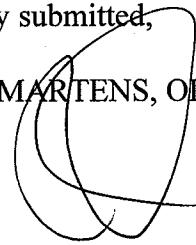
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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